

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

NATHANIEL D. RICE,)
)
Petitioner,)
)
v) **1:11-cv-1136-RBP-MHH**
)
WARDEN JOHN RATHMAN, et al.,)
)
Respondents.)

ORDER

In his § 2241 habeas petition, Mr. Rice asks the Court to restore good time credits that he lost following a prison disciplinary proceeding. Mr. Rice contends that the Bureau of Prisons violated his due process rights with respect to the disciplinary hearing by refusing his request to present exculpatory evidence during the hearing; failing to provide an impartial hearing officer for the disciplinary hearing; and delaying the disciplinary process. On January 18, 2013, the magistrate judge filed a report in which she recommended that the Court deny Mr. Rice's petition. (Doc. 11). On March 25, 2013, Mr. Rice filed objections to the magistrate's report and recommendation. (Doc. 14).

Mr. Rice's objections repeat much of what he stated in his petition and in his briefing to the Court. He maintains that the DHO was unwilling to consider important exculpatory evidence, such as a videotape of the incident that gave rise

to the disciplinary proceeding and the testimony of Lt. Manning who purportedly reviewed the videotape. Even if Mr. Rice is correct, the Court cannot afford Mr. Rice the relief that he seeks because there is “some evidence” to support the outcome of the disciplinary hearing, and that is enough in this circuit. *O'Bryant v. Finch*, 637 F. 3d 1207, 1214 (11th Cir. 2011); *Superintendent, Mass. Corr. Inst. v. Hill*, 472 U.S. 445, 455-56 (1985).

Having carefully reviewed and considered *de novo* the Report and Recommendation of the magistrate judge and the objections of the petitioner, the Court is of the opinion that the magistrate judge’s report and recommendation is due to be and is hereby **ADOPTED** and her recommendation is **ACCEPTED**. Accordingly, the petition for writ of habeas corpus is **DISMISSED**. The Clerk of Court is directed to close this file and to mail a copy of this Order to the Petitioner.

Done, this the 21st day of October, 2013.



ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE